

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BARRY LINTON,

Plaintiff

v.

NEW YORK LIFE INSURANCE AND ANNUITY
CORPORATION,

Defendant.

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C.A. No. 04-11362-RWZ

NOTICE OF FILING WITH CLERK'S OFFICE

Notice is hereby given that the exhibits listed below have been manually filed with the Court and are available in paper form only:

Exhibit A: plaintiff Barry Linton's Flexible Premium Variable Universal Life Insurance Policy (the "Policy"), issued by New York Life in June 1999.

Exhibit B: the May 1, 1999 prospectus, filed with the Securities and Exchange Commission and issued in connection with the Flexible Premium Variable Universal Life Insurance Policy (the "1999 Prospectus").

Exhibit C: the Telephone Authorization Form signed by Plaintiff Barry Linton.

Exhibit D: the relevant portions of the May 1, 2002 prospectus, filed with the Securities and Exchange Commission and issued in connection with the Flexible Premium Variable Universal Life Insurance Policy (the "2002" Prospectus").

Exhibit E: the relevant portions of the May 1, 2003 prospectus, filed with the Securities and Exchange Commission and issued in connection with the Flexible Premium Variable Universal Life Insurance Policy (the "2003 Prospectus").

Exhibit F: a brochure entitled, “Contemporary Investment Management Limited Partnership,” bearing the Bates numbers PR0287-0296.

Exhibit G: “Confidential Offering Memorandum of Contemporary Investment Management, L.P.” as produced by Plaintiff on or about November 4, 2005.

Exhibit H: “Agent’s Contract,” bearing the Bates numbers NY0661-0665.

Exhibit I: “A List of Funds” as produced by Plaintiff to Defendant on or about November 4, 2005.

Exhibit J: a letter from B. Linton to Customer Service, dated June 11, 1999, bearing Bates numbers BL0004-0005.

Exhibit K: a letter from J. Hess to B. Linton, dated June 21, 1999, bearing Bates numbers NY0623.

Exhibit L: a letter from Paul Redfearn to Barry Linton, dated June 30, 1999, bearing Bates numbers BL0047.

Exhibit M: a letter from P. Redfearn to P. McAvinn, dated June 30, 1999, bearing Bates numbers NY0624-0625.

Exhibit N: a letter from J. Hess to B. Linton, dated July 26, 1999, bearing Bates numbers NY0627-0628.

Exhibit O: a letter from M. Kern, New York Life to B. Linton, dated June 13, 2003, bearing Bates numbers NY0001-0002.

Exhibit P: a letter from B. Linton to M. Kern, New York Life, dated June 19, 2003, bearing Bates numbers BL0053.

Exhibit Q: a letter from M. Kern, New York Life to B. Linton, dated July 9, 2003, bearing Bates numbers NY0471-0472.

Exhibit R: a letter from M. Kern, New York Life to B. Linton, dated June 1, 2004, bearing Bates numbers NY0468.

Exhibit S: the Plaintiff's Responses to Defendant's First Set of Interrogatories.

Attached hereto is Exhibit T: the relevant portions of the May 1, 2004 Prospectus, filed with the Securities and Exchange Commission and issued in connection with the Flexible Premium Variable Life Insurance Policy (the "2004 Prospectus").

Exhibit U: a spreadsheet detailing fees charged to Plaintiff, bearing Bates number NY0868.

Exhibit V: the Transcript of the Deposition of Barry J. Linton, dated October 13, 2005.

Exhibit W: the Transcript of the Deposition of JoAnn Lepke, dated December 5, 2005.

Exhibit X: the Transcript of the Deposition of John Hess, Jr., dated November 29, 2005.

Exhibit Y: the Transcript of the Deposition of Paul Redfearn, dated October 7, 2005.

Exhibit Z: "Change of Premium/ Expense Allocation and Funds Transfer Form," bearing Bates numbers NY1554-1555.

Exhibit AA: a letter from B. Linton to New York Life, dated July 10, 2003, bearing Bates numbers NY1553.

Exhibit BB: a quarterly statement relating to Mr. Linton's policy No. 63 615 359, dated April 1, 2005, bearing Bates numbers NY0536-0540.

Exhibit CC: Mutual Fund Redemption Fees, Investment Company Act Release No. IC-26782, 70 FR 13328 (Mar. 18, 2005).

The original documents are maintained in the case file in the Clerk's Office.

Respectfully submitted,

NEW YORK LIFE INSURANCE
AND ANNUITY CORPORATION

By its attorneys,

/s/ Robert G. Jones

John D. Donovan, Jr. (BBO # 130950)

Robert G. Jones (BBO #630767)

Levina Wong (BBO #654510)

ROPES & GRAY LLP

One International Place

Boston, MA 02110

(617) 951-7000

Dated: February 13, 2006

